

Republic of the Philippines  
**SUPREME COURT**  
Manila

***EN BANC***

**REP. EDCEL C. LAGMAN,**

***PETITIONER,***

- versus-

**EXECUTIVE SECRETARY SALVADOR C. MEDIALDEA; ANTI-TERRORISM COUNCIL (ATC); ANTI-MONEY LAUNDERING COUNCIL (AMLC); SENATE OF THE REPUBLIC OF THE PHILIPPINES, REPRESENTED BY SENATE PRESIDENT VICENTE C. SOTTO III; AND THE HOUSE OF REPRESENTATIVES, REPRESENTED BY SPEAKER ALAN PETER S. CAYETANO,**

***RESPONDENTS.***

X-----X

**G.R. No. \_\_\_\_\_  
(In relation to G.R. No. 252578, G.R. No.252580, G.R. No.252585, G.R. No.252613, G.R. No. 252623, G.R. No.252624, G.R. No. 252646, G.R. No. 252702, G.R. No.252726, G.R. No.252733, G.R. No. 252736, G.R. No. 252741, G.R. No. 252747, G.R. No.252755, G.R. No.252759, G.R. No.252765, G.R. No.252768, G.R. No.252767, G.R. No.252802, G.R. No. 252809, G.R. No. 252903, G.R. No. UDK1663, G.R. No. 252904, G.R. No.252905, G.R. No.252916, G.R. No. 252921)**

**URGENT *EX PARTE* MOTION TO ADMIT ATTACHED  
"COMMENT" TO RESPONDENTS' "URGENT MOTION"  
DATED AUGUST 24, 2020 TO CANCEL ORAL ARGUMENT**

PETITIONER Edcel C. Lagman respectfully states that:

1. He is seeking the admission by the Honorable Supreme Court of his "Comment" to the urgent motion to cancel oral argument filed by Solicitor General Jose Calida on behalf of the respondents.
2. Attached is a copy of Petitioner's "Comment".

ACCORDINGLY, it is respectfully prayed that the Honorable Supreme Court admits Petitioner's "Comment" to Respondents' "Urgent Motion" dated 24 August 2020 to cancel oral arguments.

Quezon City for Manila  
01 September 2020

**EDCEL C. LAGMAN**  
**Petitioner**

3. On August 11, 2020, this Honorable Court, through its Public Information Office, released a statement that the Honorable Court "will conduct oral arguments on the [subject] petitions on the 3rd week of September at the earliest, and will issue proper notices once the date is finalized. "

2. In view, however, of the logistical restrictions and health threats posed by the COVID-19 pandemic, as well as the provisions of the Internal Rules of this Honorable Court and pertinent jurisprudence, respondents respectfully move for the cancellation of, and propose alternatives to, the conduct of oral arguments.

*The factual allegations raised in the subject petitions preclude direct recourse to this Honorable Court.*

17. Thus, respondents are concerned that to proceed with oral arguments/ in court or otherwise, for the instant cases will mean that the subject petitions are ipso facto given due course, despite:

17.1. None of these petitions successfully hurdling the requirements of judicial review/ particularly the existence of an actual case or controversy;

17.2. The FFW, Bayan, NUIR Kabataan, Latiph, GABRIELA, Pabillo, Abendan, Concerned Online Citizens, CLCL, Yerbo, Longid, Mohammad, and Cayabyab Petitions raising factual allegations beyond the ambit of this Honorable Court to resolve;

17.3. The Sta. Maria, Lagman, Zarate, Jurado, CTUHR, Monsod, Sanlakas, Latiph, Abendan, FFW, Bayan Muna, NUJP, Pabillo, Concerned Online Citizens, and Yerbo Petitions suffering from formal defects and procedural infirmities; and

17.4. There being no determination as of yet with regard to petitioners' standing to sue.

19. Section 3, Rule 10 of the Internal Rules of this Honorable Court describes oral arguments as optional, viz.:

Section 3. Oral arguments. - The Court may hear any case on oral arguments upon defined issues. The petitioner shall argue first, followed by the respondent and the amicus curiae, if any. Rebuttal

arguments may be allowed by the Chief Justice or the Chairperson. If necessary, the Court may invite *amicus curiae*.

- It is of no moment that in same \_\_\_\_\_ cited by the Secretary, the OC did conduct oral arguments pursuant to the discretion of the SC.

39. Although oral arguments may provide clarity to certain matters, it does not follow that the same end may not be achieved through means other than the conduct of oral arguments. Thus, in lieu of holding oral arguments in-court or through videoconference, respondents humbly propose, in the alternative or cumulative, the following:

A. Submission of Memorandum The Memorandum serves to augment the parties' position on the issues, This finds support on Section 1(B)(2), Rule 51, in relation to Section 2, Rule 56 of the Revised Rules of Court, which states that, "[w]here no hearing is held, upon the filing of the last pleading required or permitted to be filed by the court," the case shall be deemed submitted for resolution. Page 40 of 42 Unfortunately, in this case, the higher interests of health and safety dictate that the conduct of oral arguments, in-court or otherwise, be cancelled.

B. Clarificatory Questions This Honorable Court may issue a Resolution containing the justices' clarificatory questions on the parties' submissions and directing the parties, within a given period, to submit their respective answers thereto, including any relevant documents, if necessary.

C. Written Opening Statement Instead of an in-court interpellation, the Written Opening Statement would cover the parties' answers to the Justices' clarificatory questions,

WHEREFORE, respondents respectfully pray that this Honorable Court:

a) CANCEL the conduct of oral arguments, in-court or otherwise, on the subject petitions; or

b) In the alternative, CONSIDER the respondents' proposed procedure/s in lieu of the conduct of oral arguments.

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